IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5715 of 2004
Date of decision 8.9.2006

Madan Lal and others .. petitioners

Versus

U.H.B.V.N. and others .. Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE P.S.PATWALIA

PRESENT: Mr. Naveen Daryal, Advocate for the petitioner
Mr. Alok Jain, Advocate
Mr. Sanjiv Kaushik, Advocate

M.M.Kumar, J.

The petitioners have sought quashing of order dated 24.9.2003 (Annexure P.11) passed by respondent no.3 Engineer-in-Chief, 'OP' UHBVN, Panchkula. The petitioners have been working as Helper Grade II in the Store and Workshop organisation and their names have been placed in the seniority list of Helper Grade II at appropriate places. The grievance of the petitioners is that when certain persons were declared surplus from workshop organisations they were adjusted in other circles of H.B.V.N. On account of their adjustment in such like circles they became eligible to be considered for promotion ahead of the petitioners and accordingly were promoted to the higher posts.

Brief facts of the case are that the petitioners alongwith others were working at the workshop at Dhulkot which was shut down on 24.2.2000 and certain persons were declared surplus as is evident from the perusal of Annexure P.2. They were adjusted in various other circles wherever the posts were available e.g. Kuldip Singh son of Man Singh was adjusted at U.B.V.N. Ambala and another person at serial No. 122 i.e. Raj

Singh was adjusted as officiating Helper Grade II under S.E. Circle Rohtak. The private respondents were also adjusted in various circles like Jind, Kurukshetra and Karnal. On account of their adjustment in pursuance to the policy decision they were considered for promotion to the rank of Assistant Lineman. The grievance made by the petitioners is that all those persons were junior to them and they could not have been adjusted after rendering them surplus in the afore mentioned circle without obtaining option from the petitioners as to whether they were ready and willing to be adjusted in other circles.

Having heard the learned counsel at a considerable length we find that the question of option in such like cases would not arise because the respondents admittedly were juniormost and on the principle of 'last come first go' they were to give way to the petitioners. Accordingly they were declared surplus and were adjusted in other circles wherever the posts/ vacancies were available. We find that it is fortuitous circumstance that the private respondents became senior in the circle where they were to be promoted to a post higher than the petitioners. We are of the view that no legal right of the petitioners has been infringed and there was no requirement to secure their option before ordering the adjustment of surplus staff. Therefore, there is no merit in this petition and the same is dismissed.

(M.M.Kumar)
Judge

(P.S.Patwalia)
Judge

8.9.2006
okg